

### SECTION III-D - DTV BROADCAST ENGINEERING DATA

Complete Questions 1-5 of the Certification Checklist and provide all data and information for the proposed facility, as requested in Items 6-25, below. The response "not applicable" is not acceptable unless otherwise noted.

**Certification Checklist:** A correct answer of "Yes" to all of the questions below will ensure an expeditious grant of a construction permit. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:

- |     |   |                              |                             |
|-----|---|------------------------------|-----------------------------|
| (a) | It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622.   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) | It will operate from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) | It will operate with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622.   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2.  | The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307.   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3.  | Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4.  | The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable.  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5.  | The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will not be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted. If any item is incomplete, the application will be returned without further consideration.

### TECH BOX

6. a. Channel Number: \_\_\_\_\_

b. Associated analog TV station channel number, if any: \_\_\_\_\_

7. Zone: I \_\_\_\_\_ II \_\_\_\_\_ III \_\_\_\_\_

8. Antenna Location Coordinates:

To the nearest second (NAD 27)

Latitude	Degrees	Minutes	Seconds
Longitude	Degrees	Minutes	Seconds

Antenna Location Address: (specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

9. Antenna Structure Registration Number: \_\_\_\_\_

☐ Not Applicable

☐ FAA Notification Filed with FAA

10. Antenna Location Site Elevation Above Mean Sea Level: \_\_\_\_\_ meters

11. Overall Tower Height Above Ground Level: \_\_\_\_\_ meters

12. Height of Radiation Center Above Ground Level: \_\_\_\_\_ meters

13. Height of Radiation Center Above Average Terrain (HAAT): \_\_\_\_\_ meters

14. Height of Radiation Center Above Mean Sea Level: \_\_\_\_\_ meters

15. Effective Radiated Power (average power) (in the main lobe of radiation, if directional): \_\_\_\_\_ kW

16. Antenna Make \_\_\_\_\_ Model No. \_\_\_\_\_

17. a. Electrical Beam Tilt: \_\_\_\_\_ degrees ☐ Not Applicable

b. Mechanical Beam \_\_\_\_\_ degrees toward azimuth \_\_\_\_\_ degrees True ☐ Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c).

Exhibit No. \_\_\_\_\_

18. Proposed antenna is: ☐ Horizontally Polarized ☐ Circularly Polarized ☐ Elliptically Polarized

**TECH BOX - cont'd**

19. Directional Antenna Relative Field Values:

☐ Not Applicable

Reference Azimuth \_\_\_\_\_ degrees True

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

20. Attach as an Exhibit a topographic map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the provisions of 47 C.F.R. Section 73.625(b). The map must further display clearly and legibly the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No. \_\_\_\_\_

21. Attach as an Exhibit a map (*Sectional Aeronautical Chart or equivalent*) which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. \_\_\_\_\_

- (a) the proposed transmitting location, and the radials along which profile graphs have been prepared;
- (b) the DTV coverage contour as established in 47 C.F.R. Section 73.625(b); and
- (c) the legal boundaries of the principal community to be served.

22. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.625(b))

Source of terrain data: (*check only one box below*)

- ☐ Linearly interpolated 30-second database (Source: \_\_\_\_\_)
- ☐ Linearly interpolated 3-second database (Source: \_\_\_\_\_)
- ☐ 7.5 minute topographic map
- ☐ Other (*briefly summarize*) \_\_\_\_\_

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted distance to the DTV Coverage Contour  (kilometers)
*		
0		
45		
90		
135		
180		
225		
270		
315		

\*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

23. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** items 1(a), (b), or (c) are answered "No.") ☐ Yes ☐ No

If No, attach as an Exhibit justification therefore, including a summary of any related previously granted waivers.

Exhibit No.

24. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefore. (Applicable only if No in **Certification Checklist**, item 3.)

Exhibit No.

**Environmental Protection Act** (see 47 C.F.R. Section 1.1301 et. seq.)

25. The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306; i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. ☐ Yes ☐ No

Exhibit Required.

#### Radiofrequency Electromagnetic Exposure

By checking Yes above, the applicant also certifies that the applicant, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

The determination of compliance with exposure limits must account for all collocated and nearby radiating sources that operate at frequencies between 300 kHz and 100 GHz.

**PREPARER'S CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.**

FOR  
FCC  
USE  
ONLY

## FCC 314

# APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

FOR COMMISSION USE ONLY  
FILE NO.

### Section I - General Information

1. 

Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
Call Sign(s)	Facility Identifier(s)	
  
2. 

Contact Representative (if other than licensee/permittee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)
  
3. 

Legal Name of the Assignee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
  
4. 

Contact Representative (if other than assignee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)
  
5. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):  

☐ Governmental Entity

☐ Noncommercial Educational Licensee

☐ Other \_\_\_\_\_

☐ N/A

**NOTE:** In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

## Section II - Assignor

1. **Certification.** Licensee/permittee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☐ Yes ☐ No
2. **Authorizations to be Assigned.** List call signs, locations and facility identifiers of all authorizations to be assigned. Include construction permits and file numbers. List main station authorizations and any FM and/or TV translator stations, LPTV stations, SCA, FM and/or TV booster stations, and associated auxiliary service stations. 

Exhibit No.
3. **Agreements for Sale of Station.** Licensee/permittee certifies that:
  - a. it has placed in its public inspection file(s) copies of all agreements for the sale of the station(s);
  - b. these documents embody the complete and final understanding between licensee/permittee and assignee; and
  - c. these agreements comply fully with the Commission's rules and policies.☐ Yes ☐ No
4. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which licensee/permittee or any party to the application has an attributable interest. 

Exhibit No.

☐ N/A
5. **Character Issues.** Licensee/permittee certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with:
  - a. any broadcast application in any proceeding which left unresolved character issues against the applicant or which resolved such issues against the applicant; or
  - b. any pending broadcast application in which character issues have been raised.☐ Yes ☐ No
6. **Adverse Findings.** Since the filing of the licensee/permittee's last renewal application for the authorization(s) being assigned (or since grant of a new station construction permit for station(s) in initial license term), licensee/permittee certifies that with respect to the licensee/permittee or any party to the application, no relevant adverse finding has been made nor has adverse final action been taken related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination. ☐ Yes ☐ No
7. **Local Public Notice.** Licensee/permittee certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580. ☐ Yes ☐ No
8. **Anti-Drug Abuse Act Certification.** Licensee/permittee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION  
PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**NOTE:** In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

### Section III - Assignee

1. **Certification.** Assignee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☐ Yes ☐ No
  
2. **Agreements for Sale of Station.** Assignee certifies that:
  - a. the written agreements in the licensee/permittee's public inspection file embody the complete and final agreement for the sale of the station(s) which are to be assigned; and ☐ Yes ☐ No
  - b. these agreements comply fully with the Commission's rules and policies.
  
3. **Parties to the Application.**
  - a. List the assignee, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the assignee, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members.
 

(1) Name and address of the assignee and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the assignee first, officers next, then directors and, thereafter, remaining stockholders and partners.

(2) Citizenship.  
 (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc.  
 (4) Percentage of votes.  
 (5) Percentage of equity.

(1)	(2)	(3)	(4)	(5)

- b. Assignee certifies that equity interests not set forth above are non-attributable.

☐ Yes ☐ No ☐ N/A

4. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which assignee or any party to the application has an attributable interest.

Exhibit No.

☐ N/A

5. **Multiple Ownership.** Assignee certifies that the proposed assignment:

- a. complies with the Commission's multiple and cross-ownership rules;
- b. does not present an issue under the Commission's cross-interest policy;
- c. does not present an issue under the Commission's policies relating to media interests of immediate family members;
- d. complies with the Commission's policies relating to future ownership interests; and
- e. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

☐ Yes ☐ No

6. **Character Issues.** Assignee certifies that neither assignee nor any party to the application has or has had any interest in, or connection with:

- a. any broadcast application in any proceeding which left unresolved character issues against the applicant or which resolved such issues against the applicant; or
- b. any pending broadcast application in which character issues have been raised.

☐ Yes ☐ No

7. **Adverse Findings.** Assignee certifies that with respect to the assignee or any party to the application, no relevant adverse finding has been made nor has adverse final action been taken related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

8. **Alien Ownership and Control.** Assignee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.

☐ Yes ☐ No

9. **Financial Qualifications.** Assignee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months.

☐ Yes ☐ No

10. **Program Service Certification.** Assignee certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.

☐ Yes ☐ No

11. **Anti-Drug Abuse Act Certification.** Assignee certifies that neither assignee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

☐ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).



## APPENDIX C

Attached are the following sample worksheets that would be included with FCC Form 314 under the approach proposed in the *Notice*:

Worksheet # 1 - Local Radio Station Ownership - Assignee Question 5a.

Worksheet # 2 - Investor Insulation and Non-party Influence Over Assignee - Assignee Question 5e.

Worksheet # 3 - Family Relationships - Assignee Question 5c.

## WORKSHEET # 1

### LOCAL RADIO STATION OWNERSHIP

The local radio ownership rule, 47 C.F.R. § 73.3555(a)(1), sets the maximum number of stations in which a party may hold attributable interests in any particular radio market. In radio markets with 14 or fewer commercial radio stations, a party may hold an attributable ownership interest in up to 5 commercial radio stations, not more than 3 of which are in the same service (AM or FM). However, a party may not hold an attributable ownership interest in more than 50 percent of the stations in markets of 14 or fewer stations. In a radio market with between 15 and 29 (inclusive) commercial radio stations, a party may hold an attributable ownership interest in up to 6 commercial radio stations, no more than 4 of which are in the same service. In a radio market with between 30 and 44 (inclusive) commercial radio stations, a party may hold an attributable ownership interest in up to 7 commercial radio stations, no more than 4 of which are in the same service. In a radio market with 45 or more commercial radio stations, a party may hold an attributable ownership interest in up to 8 commercial radio stations, no more than 5 of which are in the same service.

A radio market is defined as that area encompassed by the principal community contours (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of the mutually overlapping stations proposing to have common ownership. The number of stations in the market is based on the principal community contours of all operating, full-service commercial stations whose principal community contours overlap or intersect the principal community contours of the commonly-owned and mutually overlapping stations. In calculating the number of stations in a market in which a party may have an attributable ownership interest, we attribute to the prospective buyer only those commonly-owned stations that contribute to the mutual overlap in the relevant radio market. That is, a station contour that overlaps the contour of a station outside the mutual overlap area, but does not have mutual overlap with all stations that create the market, does not count toward the local radio ownership "cap."

An assignee must complete this worksheet if the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of any AM or FM station being assigned overlaps with the principal community service contour of an AM or FM station in which the assignee or any party to this application has or proposes to have an attributable interest (including any AM or FM station with principal community contour overlap in which the applicant or any party to the application brokers or proposes to broker more than 15 percent of the broadcast time per week of such station).

1. Is the overlap in every instance between only one AM and one FM station where neither of these two stations overlaps the principal community contour of a third station in the same service? ☐ Yes ☐ No

If yes, the proposed assignment complies with local radio station ownership rules.

If No to 1., answer the following questions with regard to each of the radio markets defined by the stations with mutually overlapping principal community contours:

2. Number of commercial AM and FM stations in the market:

- a. 45 or more ☐ Yes ☐ No
- b. Between 30 and 44 ☐ Yes ☐ No

c. Between 15 and 29

☐ Yes

☐ No

d. 14 or fewer

☐ Yes

☐ No

3. Number of FM stations in the market in which the assignee or parties to the application would have an attributable interest following assignment of the stations: \_\_\_\_\_

4. Number of AM stations in the market in which the assignee or parties to the application would have an attributable interest following assignment of the stations: \_\_\_\_\_

5. Total number of AM and FM stations in the market in which the assignee or parties to the application would have an attributable interest following assignment of the stations: \_\_\_\_\_

If assignee determines based on its answers to these questions that it is in compliance with 47 C.F.R. § 73.3555(a), assignee may certify to such compliance in assignee question 5a of the attached application. If assignee determines that it is not in compliance with the local radio ownership rules, assignee shall submit an exhibit stating reasons in support of a waiver of the rules.

## WORKSHEET # 2

### INVESTOR INSULATION AND NON-PARTY INFLUENCE OVER ASSIGNEE

#### I. Investor Insulation

If an assignee is a limited partnership or a limited liability company ("LLC") that seeks to insulate partners or members in accordance with the Commission's attribution rules, the assignee shall ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC. To ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC, the limited partnership or LLC enabling documents shall:

- a. specify that any exempt limited partner/LLC member (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership/LLC member if his or her functions, directly or indirectly, relate to the media enterprises of such entity;
- b. bar any exempt limited partner/LLC from serving, in any material capacity, as an independent contractor or agent with respect to the partnership/LLC's media enterprises;
- c. restrict any exempt limited partner/LLC member from communicating with the limited partnership/LLC, the general partner, or any LLC management committee on matters pertaining to the day-to-day operations of its business;
- d. empower the general partner/LLC management committee to veto any admissions of additional general partners/LLC members admitted by vote of the exempt limited partners/LLC members;
- e. prohibit any exempt limited partner/LLC member from voting on the removal of a general partner/LLC member or limit this right to situations where the general partner/LLC member is (i) subject to bankruptcy proceedings, as described in Section 402(4)-(5) of the Revised Uniform Limited Partnership Act, (ii) is adjudicated incompetent by a court of competent jurisdiction, or (iii) is removed for cause, as determined by an independent party;
- f. bar any exempt limited partner/LLC member from performing any services to the limited partnership/LLC materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- g. state, in express terms, that any exempt limited partner/LLC member is prohibited from becoming actively involved in the management or operation of the media businesses of the limited partnership/LLC.

If these conditions are met with regard to every limited partner and LLC member that the applicant seeks to insulate, the applicant may certify in assignee question 5e of the attached application to compliance with the Commission's restrictions regarding insulation of non-party investors.

#### II. Non-Party Influence Over Assignee

A. Non-party investors, *i.e.*, investors with nonattributable interests, may have very limited powers over the operations of a licensee. Accordingly, assignee should ensure that with respect to any agreement, arrangement or understanding involving insulated parties or other investors with nonattributable interests, including creditors, secured parties, program suppliers, and any other persons not disclosed as parties to this application, that such agreement **does not**:

1. give any non-party investor the right to vote on any matters decided by the assignee's board of directors, partnership committee or other management group;
2. give any non-party investor the right to attend, or appoint an observer to attend, assignee board, partnership or other management meetings;
3. place any limitation on assignee programming discretion;
4. give any non-party investor the right to vote on, approve or restrict assignee's actions on any matter relating to programming, personnel or finances;
5. give any non-party creditor or any bond, debenture or warrant holder the right to vote on, approve or restrict the assignee's actions on any matter relating to programming, personnel or finances;
6. give any non-party creditor or any bond, debenture or warrant holder the right to share in the profits of the assignee;
7. give any non-party investor that holds a non-voting convertible interest the right to convert such an interest and acquire control of the assignee based on the assignee's actions relating to programming, personnel and finances;
8. give any non-party investor, creditor, or bond, debenture or warrant holder the right to vote on, approve or deny the selection or removal of a general partner of an assignee partnership or a member of the assignee's governing body; and
9. give any non-party investor, creditor, or bond, debenture or warrant holder the right to convert, tender or require the tendering of stock pursuant to a put or call agreement based on the actions of the assignee or transferee relating to programming, personnel or financing.

If these conditions are met with regard to every non-party investor and creditor, applicant may certify in assignee question 5e of the attached application that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors.

B. With respect to any loan agreement, assignee has ensured that such agreement:

1. includes an unconditional promise by the assignee to pay on demand or on a specific date a sum certain;
2. contains a fixed or defined variable rate of interest on the loan; and
3. does not prohibit the redemption of the loan by the assignee, or permit redemption at the option of the lender only.

If these conditions are met with regard to each loan application, applicant may certify in assignee question 5e of the attached application that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors.

## WORKSHEET # 3

### FAMILY RELATIONSHIPS

An assignee must complete this worksheet if any member of the immediate family (*i.e.*, husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or daily newspaper in the same area or, in the case of a television station applicant only, a cable television system in the same area .

A broadcast station and a daily newspaper are considered to be in the same area if: (1) the predicted or measured 2 mV/m contour of an AM station encompasses the entire community in which such daily newspaper is published; (2) the predicted 1 mV/m contour of an FM station encompasses the entire community in which such daily newspaper is published; or (3) the Grade A contour of a TV station encompasses the entire community in which such daily newspaper is published. A daily newspaper is one that is published four or more days per week, is in the English language and is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally. See 47 C.F.R. § 73.3555(d) and 47 C.F.R. § 73.3555 Note 6.

A television station and a cable television system are considered to be in the same area if the Grade B contour of the television station overlaps in whole or in part the service area of such system, *i.e.*, the area within which the system is serving subscribers. See 47 C.F.R. § 76.501(a).

Answer the following questions for each such relationship:

1. Has the family member who is not included as an interest holder in the assignee been involved in negotiations with the licensee/permittee for the acquisition of any of the station(s) to be assigned?  
☐ Yes ☐ No
2. Has the family member who is not included as an interest holder in the assignee provided financing or otherwise been involved in the process of making financial arrangements for the acquisition of any of the station(s) to be assigned?  
☐ Yes ☐ No
3. Are the family members involved together in the management or operation of any other media interests located in other areas?  
☐ Yes ☐ No
4. Are there any agreements, arrangements or understandings, either written or oral, between the family members with same-area media interests for the participation of one family member in the financial affairs, commercial practices, programming, or employment practices of the other family member's media entity. Consider, for example, joint sales agreements, local marketing agreements, and arrangements to share facilities or personnel.  
☐ Yes ☐ No

If assignee answers "No" to all of the above questions, assignee may certify in assignee question 5c of the attached application that it complies with the Commission's policies relating to media interests of immediate family members. If assignee answers "Yes" to any one of the above questions, assignee shall submit an exhibit giving full particulars.

**Separate Statement of Commissioner Harold W. Furchtgott-Roth**

**In re: Notice of Proposed Rulemaking**

**1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes**

I support adoption of this Notice of Proposed Rulemaking. To my mind, any reduction in paperwork obligations or simplification of our procedural rules for regulated entities -- or "streamlining" -- is always a plus. To that extent, this item is good policy and I am all for it.

This item should not, however, be mistaken for compliance with section 11 of the Communications Act.

First of all, section 11 requires a biennial review of all regulations that govern the operations of "any provider of telecommunications service." 47 U.S.C. section 161(a)(1). It does not by its terms apply to regulations governing those in the broadcasting and cable business, unless they also provide telecommunications service. I therefore understand this mass media item to be premised not on the biennial review requirement of section 11 (notwithstanding the caption, which suggests otherwise) but on our general authority to change our rules when appropriate under section 4(i), *id.* section 154(i), and related provisions of the Communications Act.<sup>1</sup>

Second, this item focuses mainly, as do some "pure" section 11 items that we have issued,<sup>2</sup> on procedural rules governing filings at the Commission as opposed to substantive rules that limit what companies can do in the marketplace, *e.g.*, regulations that restrict market entry or limit market share. As stated above, it is certainly important that in the course of the Biennial Review we evaluate our procedural rules and modify or eliminate them if necessary. But section 11 requires us to look at *both* procedural and substantive rules and make an affirmative finding of their continued necessity.

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<sup>1</sup>Section 202(h) mandates a review of certain broadcast rules as a part of the section 11 Biennial Review, but only of "ownership" rules, which does not include the regulations at issue here.

<sup>2</sup>By this I mean items regarding rules applicable to telecommunications service providers.

If all we do is "streamline" certain procedures at the Commission, without also examining all pertinent substantive rules and making the statutorily-required determinations of necessity, we will fail to meet the express directive of section 11.

As I have previously explained, I question whether the FCC is prepared to meet its statutory obligation to review all of the regulations covered by section 11 in 1998. *See generally 1998 Biennial Regulatory Review -- Review of Computer III and ONA Safeguards and Requirements*, 12 FCC Rcd \_\_ (Jan. 29, 1998). To my knowledge, the FCC has no plans to review affirmatively *all* regulations applicable to the operations or activities of telecommunications providers and to make specific findings as to their continued necessity. Nor has the Commission issued general principles to guide our "public interest" analysis and decisionmaking process across the wide range of FCC regulations.

We should not let this item, which does not relate to telecommunications rules and focuses almost exclusively on procedural matters, or any other limited Commission analysis be mistaken for full compliance with Section 11.

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